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Art Unit: 1711

### ***REMARKS***

This is a full and timely response to the outstanding Advisory Action mailed May 24, 2006. Through this Submission Under 37 C.F.R. 1.114(c), claims 46, 48, and 63 have been amended. Reconsideration and allowance of the application and pending claims are respectfully requested.

#### **Allowable Subject Matter**

Applicants greatly appreciate the Examiner's indication that claim 46 is allowed.

#### **Comments**

In response to the Advisory Action, Applicants respectfully request that the Examiner enter the foregoing amendments and consider the following remarks because the claims have simply been amended to place them in condition for allowance.

#### **Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

##### **A. Statement of the Rejection**

Claims 48 and 63 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Examiner asserts that claims 48 and 63, as amended, are confusing, because claim 48 now essentially contains two definitions for compound (a) and claim 63 now essentially contains two definitions for compounds (a), (b), (c), and (d). In other words, the Examiner believes that "multiple definitions of the same component within the same claim render the claims needlessly ambiguous." *Office Action* at 2.

##### **B. Discussion of the Rejection**

In response to the rejection, Applicants have amended claims 48 and 63. In view of those amendments, it is respectfully asserted that claims 48 and 63 define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicants respectfully request that the rejections to these claims be withdrawn.

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Applicants wish to clarify that the foregoing amendments are cosmetic in nature and are not made as a condition for obtaining a patent. Applicants further submit that these amendments are non-narrowing and, pursuant to *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S. Ct. 1831 (2002), no prosecution history estoppel arises from the amendments. See also *Black & Decker, Inc. v. Hoover Svc. Ctr.*, 886 F.2d 1285, 1294 n. 13 (Fed. Cir. 1989); *Andrew Corp. v. Gabriel Elecs., Inc.*, 847 F.2d 819 (Fed. Cir. 1988); *Hi-Life Prods. Inc. v. Am. Nat'l Water-Mattress Corp.*, 842 F.2d 323, 325 (Fed. Cir. 1988); *Mannesmann Demag Corp. v. Eng'd. Metal Prods. Co., Inc.*, 793 F.2d 1279, 1284-1285 (Fed. Cir. 1986); *Moeller v. Ionetics, Inc.*, 794 F.2d 653 (Fed. Cir. 1986).

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**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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